

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**CRIMINAL MINUTES - RULE 32.1 INITIAL APPEARANCE
(Probation/Supervised Release Revocation)**

Case No.: 7:02CR000127-001

Date: 11/7/2013

Defendant: David Christopher Martin, custody

Counsel: none

PRESENT: JUDGE: Robert S. Ballou, USMJ TIME IN COURT: see below
Deputy Clerk: R. Mills
Court Reporter: R. Mills, FTR
U. S. Attorney: Drew Bradylyons
USPO: Jake Fletcher
Case Agent: none
Interpreter: none

Defendant arrested on warrant from Roanoke Division.

RIGHTS:

Defendant advised of the alleged violation of probation/supervised release.

Defendant advised of right to retain counsel or to request that counsel be appointed by the court.

Defendant advised of right to preliminary hearing if held in custody (only if alleged violation occurred in this district).

Defendant advised of right to identity hearing (only if charges pending in another district).

Defendant advised of right to bond/detention hearing.

COUNSEL:

Defendant present with counsel.
 Defendant present without counsel.
 Defendant requests appointment of counsel. Oral order apptng. FPD.
 Counsel appointed.

IDENTITY (only for charges from another district):

- Identity hearing held.
- Identity hearing waived.*

PRELIMINARY HEARING:

- Preliminary hearing held.
- Probable cause found. Order will enter.
- Probable cause not found. Order will enter dismissing.
- Preliminary hearing waived.*
- Defendant requests preliminary hearing in prosecuting district (only for charges from another district).*

***REMINDER:** FORM AO466 - WAIVER OF RULE 32.1 HEARING MUST BE COMPLETED AND SIGNED BY DEFENDANT

RELEASE/DETENTION:

- Defendant does not contest detention.
- Government moves for detention. Detention hearing held.
- Government does not oppose bond. Bond set at Amount, type, i.e., secured, unsecured, property, cash, corporate surety. See conditions below.
- Written Order of Commitment to Another District to enter (AO 94 - only for charges from another district).
OR
- Written Order of Detention to enter.
OR
- Written Conditions of Release/Bond to enter.
- Revocation hearing scheduled for date, time and place before presiding judge's name.

In addition to the standard conditions of release, the following special conditions of release are imposed:

- The defendant shall avoid contact outside the presence of his/her counsel with any alleged victims or potential witnesses regarding his/her case.
- The defendant shall report as directed by the probation officer, and shall promptly report any personal status changes to the probation officer: this shall include immediately reporting any contact by law enforcement officers regarding a criminal investigation or any additional criminal charges placed against the defendant; the defendant shall continue to reside at his/her current residence, and shall not change residences without first obtaining permission from the probation officer.
- The defendant shall abstain from the excessive OR any use of alcohol or any use or possession of any controlled substances unless prescribed by a licensed treating physician for a legitimate medical purpose.
- The defendant shall not possess a firearm or other dangerous weapon and shall reside in a residence free of such.
- The defendant shall submit to random drug and or alcohol testing as directed by the probation officer.
- The defendant shall not travel outside the Western District of Virginia without first obtaining permission from the probation officer.
- The defendant shall submit to warrantless search and seizure of his/her person and property as directed by the probation officer for the purpose of determining if he/she is in compliance with his/her conditions of pretrial release.
- The defendant shall actively seek and/or maintain employment.
- The defendant shall maintain or commence an education program.
- The defendant shall surrender his/her passport to the Probation Office to be held pending further order of the court; the defendant shall not apply to obtain a passport.
- The defendant shall not associate with any known users/possessors of illegal controlled substances and shall not be present in any location where illegal controlled substances are being used and/or distributed, unless approved by his/her supervising officer in cooperation with law enforcement officers.
- The defendant shall be placed on home detention subject to electronic monitoring and all residential absences must be approved in advance by the probation officer.
- The defendant shall continue in his/her currentmental health OR substance abuse OR both counseling/treatment program at his/her own expense.
- The defendant shall allow the probation officer open communication with any treatment agencies or health care providers for the purpose of monitoring the defendant's compliance with all treatment requirements.
- Any animals on the premises of the defendant's residence must be restrained in a way so as to not interfere with the probation officer's access to the defendant's residence and to ensure the officer's safety.
- Defendant advised of penalties and sanctions for failure to appear and/or violating conditions of release.

Additional Information:

Deft. req. temp. cont. of prel. & dtm. hrgs. to appear w/ counsel. Hrgs. to be set. Deft. remanded.

Time in Court: IA: 2:38-2:43 (5 mins.)